IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

WP(C).No. 34642 of 2007(Y)

PETITIONER:

YUSUF HAFIZUR REHMASN, ROOM NO.2,
SERU CHAWL, BEHIND MITHO, SETH CHAWL,
KASAIWADA, KURLA, MUMBAI-70.

BY ADV. SRI.P.A.AUGUSTIAN
SRI.ALEXANDER J.KARUVELITHARA

RESPONDENTS:
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1. THE COMMISSIONER OF CUSTOMS, CUSTOM HOUSE, WILLINGDON ISLAND, KOCHI-682 009.

2. THE CHAIRMAN OF PORT TRUST, PORT TRUST, WILLINGDON ISLAND, KOCHI-682 009.

BY SRI.P.PARAMESWARAN NAIR, ASST SG
SRI.B.S.KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2007, ALONG WITH WPC NO. 34644 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NOs. 34642 & 34644 OF 2007 Y

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Dated this the 7th day of December, 2007

J U D G M E N T

These two cases involve the clearance of cars, which the petitioners have imported. The main complaint appears to be about the delay that has occurred in the completion of adjudication process. It is on that ground the petitioners are also seeking clearance on a provisional basis pending adjudication.

2. Statement has been filed in these two cases, where the Department is confirming that bill of entries have been filed on behalf of the petitioners. However, the Department would proceed to say that they have got the correctness of the declarations verified through M/s Toyota Kirloskar Motors Pvt. Ltd, the Authorised Distributor of Toyota, and are informed that this is a case of mis-declaration. They would submit that adjudication has to be held and that for this purpose petitioners in these cases are also being summoned.

3. Having regard to the contents of the statement and the points urged, I think the order that is to be passed is to expedite the process of adjudication by the Customs Department

and I am not willing to direct provisional release on any condition.

4. Accordingly, I dispose of these writ petitions directing that the adjudication in relation to the vehicles imported by the petitioners shall be completed, as expeditiously as possible, at any rate within six weeks of receipt of a copy of this judgment provided the petitioners in these cases co-operate with the adjudication.

5. Counsel for the writ petitioners have expressed an apprehension that the petitioners could be intimidated if they appear before the respondents and sought a direction that they should be allowed to be accompanied by a counsel. To this, the Department has no objection. Therefore, I direct that in the process of adjudication, if the petitioners so choose, they will be allowed to be accompanied by an Advocate.

Writ petitions are disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp